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Mr. Jim Pepelnjak
Milwaukee Journal Sentinel, Inc.
Post Office Box 661
Milwaukee, WI 53201-0661

Dear Mr. Pepelnjak:

Attorney General James E. Doyle has asked me to respond to your recent letter regarding the open meetings law. You indicate that the director of the Milwaukee County Department of Human Services planned to meet with five private vendors involved in implementing the W2 program. It is your understanding that the purpose of the meeting was to "streamline the W2 childcare system payment procedure." The interim director of the Milwaukee County Department of Human Services described the meeting as "not of a governmental body . . . coming together to formulate public policy, but an ad hoc collection of county administrators and private vendors meeting to explore how best to implement existing state policy."

You ask whether such a meeting is subject to the open meetings law. You specifically ask whether "the purpose of the meeting . . . fall[s] under the rubric of the liberally construed Open Meeting Law."

No matter what its purpose, a meeting is subject to the open meetings law only if it is a meeting of a "governmental body." A "governmental body" is defined, in relevant part, to include a "state or local agency, board, commission, committee, council, department or public body corporate and politic created by constitution, statute, ordinance, rule or order." Sec. 19.82(1), Stats. The Attorney General has interpreted the phrase "rule or order" to mean a formal or informal directive from a high-ranking government official, creating a body and assigning it duties. 78 Op. Att'y Gen. 67, 69 (1989).

I cannot give a definitive answer to your question without having much more detailed information about the meeting. However, based on the very limited information available to me, I have no reason to believe that the open meetings law would apply to the type of meeting you describe. The group of individuals involved clearly is not a group created by constitution. I have no

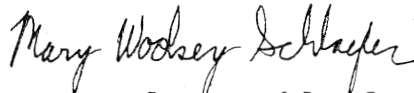
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information to suggest that the group was created by statute, ordinance, rule or order either.

The purpose of the open meetings law is to provide the public with the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business. The law must be interpreted accordingly.

Based on the limited information available to me, it appears that the planned meeting was between a group of representatives from the Milwaukee County Department of Human Services and representatives of private vendors responsible for providing services to people being served by the county. The type of meeting described appears to be remarkably similar to a meeting between administrators of a governmental entity and their employees to discuss how to implement specific policies or programs. Those types of meetings take place routinely. They cannot be made subject to the open meetings law because to do so would make it impossible to carry out the day-to-day business of government. The only apparent distinguishing feature of the meeting that you describe is that it was between county administrators and private vendors. It appears comparable to a meeting between government employees and representatives of a contractor to discuss the day-to-day details of carrying out a contract between the two. In my opinion, such meetings, generally speaking, are not subject to the open meetings law, for the same reasons given with respect to routine meetings between government administrators and their employees.

Sincerely,



Mary Woolsey Schlaefer
Assistant Attorney General

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